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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,183	04/10/2001	Masahiko Nakamura	001436	3094

23850 7590 09/13/2005

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EXAMINER

HOTALING, JOHN M

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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09/807,183

EXAMINER

ART UNIT	PAPER
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20050908

DATE MAILED:

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Commissioner for Patents

Information Disclosure Statement

The information disclosure statement filed 11/3/04 fails to comply with 37 CFR 1.97(c) because it lacks a correct statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered. The case was allowed 9/9/05. An IDS was submitted 11/3/04 with a fee and a statement that that said "That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement." However the submission contained a submission from the JPO which is a foreign patent office in a counterpart foreign application within the three month period that lists all of the references cited in the IDS. It seems that the wrong statement may have been inadvertently placed into the record. However, the examiner does not have the authority to waive the requirement.

The IDS has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Attachment (1) unsigned IDS 11/3/04


JOHN M. HOTALING, II
PRIMARY EXAMINER